

**IN THE UNITED STATES COURT
EASTERN DISTRICT OF PENNSYLVANIA**

AMRO ELANSARI :

PLAINTIFF :

VS. :

 MARTIN KEARNEY (INDV. CAP.) :

DEFENDANT :


FILED

FEB 18 2020

KATE DAVENPORT, Clerk
Dep. Clerk

COMPLAINT AT LAW AND IN EQUITY

AND NOW, comes the Plaintiff, Amro Elansari, by and through himself, *pro-se*, to file the instant complaint and in support thereof avers as follows.

1.  Martin Kearney - of the Eastern District Bench - is not intellectually fit or competent to sit on the Eastern District Bench.
2. Coming to Kearney with a case of unequal treatment - without explanation thereby establishing a *prima facie* case of unequal treatment in violation of unequal treatment law - Martin Kearney proceeds to discuss very broad legal principles about constitutional law not applying to business (when TITLE II - CIVIL RIGHTS ACT is the operative) and proceeds to derail a very important litigation on civil rights in the online context - for no reason other than their lack of understanding - incompetence - and ineptitude at law.
3. Plaintiff averred unlawful unequal treatment without reason - pursuant to their unlawful unequal treatment rights - Plaintiff actually *never mentioned constitutional rights in their complaint - merely the terms associated with their complaint* (unequal treatment - human rights - free speech (expression)). It was Kearney who went on a **erroneous (emphasis added)** opinion about how the Plaintiff could not sue the company because it was not a governmental entity.
4. Important To Note - Judge Kearney has an obligation to "read the complaint in the light most favorable to the Plaintiff and grant any reasonable inferences pertaining to the matter to the Plaintiff"
5. It is more than clear that a reasonable inference in favor of the Plaintiff was that they came to the court to file an unequal treatment case pursuant to their unequal treatment rights which the Third Circuit later clarified to be TITLE II - CIVIL RIGHTS ACT that forbids unequal treatment in the public accommodations context. Plaintiff implied this initially and this should have been inferred by Kearney - but - hence the case and claim - he is incompetent.

6. Furthermore - the Third Circuit went on to say that the Plaintiff *could* sue the company for unequal treatment in the public accommodation context - if he averred that the treatment was unequal based on race / religion / etc prohibited under TITLE II - CIVIL RIGHTS ACT - but since the Plaintiff "did not allege" this specifically - the appeal had to be affirmed.

7. This appeal was caused due to the mistake of Martin Kearney - Defendant - and it was because of his lack of competence - not being able to infer the Plaintiff's TITLE II ACT CLAIM - and also inferring that he is bringing it on the basis of religion / racial unequal treatment with the evidence being - no valid reason was provided for the unequal treatment by the company - this was sufficient enough evidence to commence a litigation for unequal treatment - in a competent court.

8. But Martin Kearney - far from competent in the area of civil rights law - goes on a tangent to misinterpret the claims of the Plaintiff and categorize them as constitutional claims - which thereby substantially damaged the reputation of the Plaintiff in the eyes of the community. News articles were published around the world titled "Player's Civil Rights Lawsuit Tossed Out Of Court" - "Civil Rights Don't Apply In Video Games Federal Court Says" - which is entirely not true - and now the integrity of American law is damaged due to the incompetence and inability to make basic deductions and inferences like a quality Judge is supposed to do.

9. Even further - Plaintiff clarifies their claim as being a TITLE II CIVIL RIGHTS ACT CLAIM - in a petition for reconsideration to the Third Circuit - currently pending - and a new action in the Eastern District As well -

Plaintiff specifically intended and mean - at their time of initial filing - to pursue a case of unequal treatment pursuant to their unequal treatment rights - for the unequal act of the company in this case.

If you decided on my TITLE II CLAIMS previously - they were incorrect because the case should not have been dismissed -

If you did not decide on my TITLE II Claims - then this is a new matter not yet decided on -

10. The incompetent Martin Kearney strikes once again with an opinion - delayed for a few days specifically through an order - to screen the new case which has not been dismissed like the initial one was because Martin Kearney cannot find / think of a reason to dismiss it like he did (because it is perfectly written with the law directly from the Third Circuit opinion).

11. Martin Kearney - proceeds to dismiss the case - not out of merit - but instead - as per his own opinion - that the case is concluded under *res judicata* which refers to when a Court decides on a matter finally throughout the due course of litigation that it must ultimately conclude and come to an end.

12. Kearney - yet again - fails to correctly apply the legal principle at hand. *Res Judicata* refers to cases that have been fully tried before the court - as in made it past the pre-trial / trial / post-trial process - fully litigated and discussed. Instead, Martin Kearney uses his hasty - legally incorrect dismissal of the case initially - to account for an entire course of litigation in the federal court system pertaining to unequal treatment in the cyber / online context. This is a level of incompetence unmatched. Erroneous and completely outside of authority (due process).

13. The Plaintiff - bearing the burden of Kearney's lack of understanding in law - has their reputation damaged as a result of Kearney's incompetence.

14. American Law - as it is known around the world - is damaged as a result of Kearney's lack of understanding - with news sources around the world posting articles titled "Federal Court Rules that Civil Rights Do Not Apply Online".

15. Any reasonable judge - or person - seeing the damage Kearney's ineptitude / incompetence / lack of understanding / prejudice is doing to the American Court system would certainly take it upon themselves as a civil obligation to intervene and do whatever it is within their power to put a stop to this harm and damage.

16. Plaintiff is seeking this Court authority in Equity and Federal Law to grant equitable relief to this matter in the following ways

(1) Martin Kearney is to be suspended / removed from the bench indefinitely until they take and pass the court - CONSTITUTIONAL LAW II (Advanced) at Penn State Law where the specifics associated with unequal treatment claims can be clarified for them since they seem to have such a hard time understanding and applying these legal principles.

(2) A Public Apology - from Martin Kearney to Amro Elansari for the damage incurred by the later due to the lack of competence / lack of understanding of the former who is in fact supposed to be the one entrusted with knowing and applying these basic legal principles correctly and diligently - not prejudicially and in a mocking attitude.

(3) A Writ of Mandamus / Injunctive Relief ORDERING Kearney to allow either the former or later Jagex Litigation Case to proceed as a TITLE II CIVIL RIGHTS ACT CLAIM as it should.

17. The mistakes / incompetence / ineptitude / lack of consideration of Martin Kearney is completely unacceptable. In a case where a *pro-se* litigant brings a case to the court of unequal treatment shown through evidence without explanation, instead of allowing this to proceed - *or even asking the question of how this could be inferred in the light most favorable to the Plaintiff* - Martin Kearney chooses to skip this either out of ignorance or prejudice - but it is not on the Plaintiff or the good citizens that depend on the proper application of law to suffer the damages as a result of this person's lack of consideration and their ignorance of the law.

18. Kearney has an obligation to infer in the light most favorable to the Plaintiff and it seems that they were not even in the correct category of law when processing the case as is shown in their opinion. The Plaintiff had to spell it out even further on appeal that unequal treatment in the public context violates TITLE II CIVIL RIGHTS ACT *per-se* (which stems from the constitution - which stems from human rights) - which the Third Circuit agreed - but then went even further and made a mistake of inference in presuming that the Plaintiff did not imply race / religion when they made their claim - which is incorrect and specifically what the Plaintiff meant. Plaintiff is not sure what the motives of the Company Individuals in this case were and this case is needed to show that it was not motivated by race / religion. But the Plaintiff should not have to pay the for the lack of knowledge / ignorance of Martin Kearney initially when they failed to process the case fully.

19. Martin Kearney is incorrect on their initial processing of the case - A TITLE II case - they wrote about Constitutional Law.

20. The Third Circuit saved his opinion *by a hair* - not because his opinion had any valid law in it - but because of the very far off reason that the Plaintiff simply did not explicitly state that this was a racial discrimination violation (it was implied - but the Third Circuit missed this - reconsideration pending) - and the Plaintiff is also alleging conspiracy / corruption / institutional racism in this as well because the Third Circuit knows very well the implied nature of the Plaintiff's complaint - especially given the cited law in their brief (obviously citing TITLE II and writing a brief on it implies that the person intends racial / religious discrimination in their initial claim) - which was done - not to do justice to the case - but to prejudice the Plaintiff even further and maintain the status quo of Kearney and their decision.

21. This - is corruption / ineptitude / violation of the constitution in the highest degree.

22. The individuals referenced in this matter - deficient and defective in law - resort to outside-the-law tactics to attempt to suppress the claims of the Plaintiff - and for what reason?

23. These people have a job to uphold justice - and instead of doing so - they go out of their way to make matters complicated when there is no need for such - and then disguise it all in legalese wording that - is incorrect - but looks impressive when shown to average non-lawyer individuals such as those that write news articles and the public in general.

24. The Plaintiff should not have to bear the burden of Kearney's ineptitude and lack of knowledge in this matter.

25. This Court has authority pursuant to equity to bring about the just result in this matter - and certainly the Plaintiff - who has done absolutely nothing wrong or incorrect throughout this entire matter (as clearly explained in the previous paragraphs) should bear the burden for the lack of knowledge and understanding of Martin Kearney -

26. Furthermore - Absolute Immunity does not apply and the Plaintiff is specifically making a case pertaining to this concept of absolute immunity. Kearney has to act within the confines of the U.S. Constitution which includes providing the due process of law. The Due Process of law is correct and the Due Process of Law is also considerate. Kearney not being correct and not being considerate is a violation of the due process he is required to bring under the constitution which is outside of his authority to act in (in violation of the constitution) which makes it an outside-of-the-matter consideration in this regard. Plaintiff strictly challenges absolute immunity.

In short - I am not challenging Kearney's ruling in *Elansari v. Jagex I and II* - I am challenging Kearney's fitness to be sitting on the bench in general.

27. I don't know what more to say than the contents in the previous paragraphs to show just how incorrect - ignorant - inconsiderate - the intellect of Martin Kearney is - as represented through their own opinions on the matters pertaining to *Elansari v. Jagex*.

My fear is that if this person is doing it with this case - what other cases is this guy getting completely wrong.

Furthermore - what kind of colorful *legalese* language is he disguising his opinions with to make poor innocent people actually have to go through hoops to clear themselves out of the webs of ineptitude woven by Kearney.

Martin Kearney - through themselves and person - is an insult and disgrace to the Eastern District Bench and the U.S. Court system as a whole. When news articles around the world public articles titled "US Federal Court Rules Civil Rights Don't Apply To Online Games" - Martin Kearney has officially damaged the integrity of American law as a whole.

28. Keep in mind - when the Plaintiff came to the Court initially with their case against Jagex - it was a case of unequal treatment - pursuant to their unequal treatment rights - written clearly on the pro-se litigation document - it was not a mention of the constitution - it was not a mention of 1st amendment or 5th.

It was a simple case of unequal treatment and instead of doing justice to the matter - just look at the path this case took as a result of their lack of understanding.

29. This person couldn't make the Constitutional Law 201 inference most favorable to the Plaintiff of an unequal treatment case being pursuant to their unequal treatment rights which includes TITLE II CIVIL RIGHTS ACT - and now - this person is brought back an entire 6 months + of litigation as a result of this -

Is this American Law?

30. Plaintiff is requesting a strict answer and trial pertaining to this matter as well as judgment in their favor including

(1) the sanction / removal from bench / vacation of authority from Martin Kearney as a judicial official of the Eastern District bench until they take and pass Constitutional Law 201 (Advanced)

(2) A Public Letter of Apology from Martin Kearney to Amro Elansari for the damage their incorrectness has caused to them and to the reputation of American law as seen by people around the world.

(3) A Writ of Mandamus / Injunctive Relief - in the form of allowing their litigation against Jagex to proceed in one way or another - either the Jagex I case of the Jagex II case.

PARTIES

31. PLAINTIFF - Amro Elansari - *pro se* - address located at (REDACTED)

32. Martin Kearney - Individual Capacity - doing business at 601 Market Street, Philadelphia PA 19106.

JURISDICTION AND VENUE

33. The Court has original jurisdiction over the claims asserted in this action pursuant to 42 U.S.C. §1983. Venue is appropriate because the events that arise in this matter have taken place

in the Eastern District and all parties, except for the Lead Defendant, reside in the Eastern District. Plaintiff is not seeking monetary relief from the judicial official in their individual capacity.

COUNT 1 - GROSS NEGLIGENCE

PURSUANT TO U.S.C. §1983 AND FEDERAL TORT CLAIMS ACT (FTCA)

34. Paragraphs 1-33 are hereby re-alleged and incorporated by reference as if fully set forth herein.

35. DEFENDANT - Martin Kearney - owes the Plaintiff (and the people in general) a duty / obligation to carry out their responsibilities and functions correctly.

36. In July 2019, Martin Kearney was found in breach of this obligation with their completely miscategorized and misconstrued opinion showing a substantial lack of understanding pertaining to their responsibilities as a judicial official.

37. In February 2020, Martin Kearney was again found to be in complete breach of their obligation to correctly and properly carry out the law - in complete violation of their duty and responsibility to the Plaintiff and those like him.

38. As a result of Kearney's ignorance / ineptitude / lack of competence - the Plaintiff suffered damages (1) in the form of their valid case being prevented from proceeding as it normally should has - but there are also the greater public interest damages of (2) not having a valid and open court to seek remedy in (a fundamental right inscribed in writing in the lobby of the Eastern District) (3) the people as a whole not having a valid / competent judicial official to seek remedies / claims through and (4) the damage to the integrity of American law as a whole.

39. Surely each of these damages warrants relief in equity in some sort of form in order to prevent further damages and restore the damages that have already taken place.

40. The complete lack of competence demonstrated by Martin Kearney over the previous several months has been embarrassing - and disappointing to say the least. Here are the judicial officials we trust with so much - acting in such an elementary and inconsiderate way.

41. Martin Kearney is a tired old boomer that is not fit for the adjudication of law in the 21st century where people no longer drink from separate water fountains based on the color of their skin -or maybe Kearney longs for the 'good old days' that is the reason behind their complete lack of intelligence demonstrated in the *Jagex I / Jagex II* cases.

42. A monkey could do a better job adjudicating than Kearney - at least a monkey is not filled with the same condescending prejudice that Martin Kearney is filled with - (1) Kearney continuously references the Plaintiff's other cases / matters when issuing an opinion - which is completely unethical and a violation of objectivity that is done in an attempt to take away from the credibility of the Plaintiff's claims and (2) uses the term - frivolous - which refers to case that have no grounds in law - to refer to my unequal treatment (valid cause of action), breach of duty / negligence (valid cause of action), nuisance / toxic tort (valid cause of action), housing discrimination (valid cause of action) - which is actually erroneous. This person is erroneously using the term fiverlous to delay and take away from the credibility of otherwise valid litigation.

43. Such misbehavior - is unacceptable to the Plaintiff which is the reason for the instant suit - and it should be to the instant Court - which is why relief should be granted to the Plaintiff.

And deep down, Martin Kearney knows they are wrong - because it took them over a week to dismiss the last case when it was perfectly written and presented to them - which means you know that Martin Kearney is in a corner and out of options. It is time to be exposed for the fraud this **Nut Fuck Monkey Judge** really is (first amendment / protest). Hope the world sees this one.

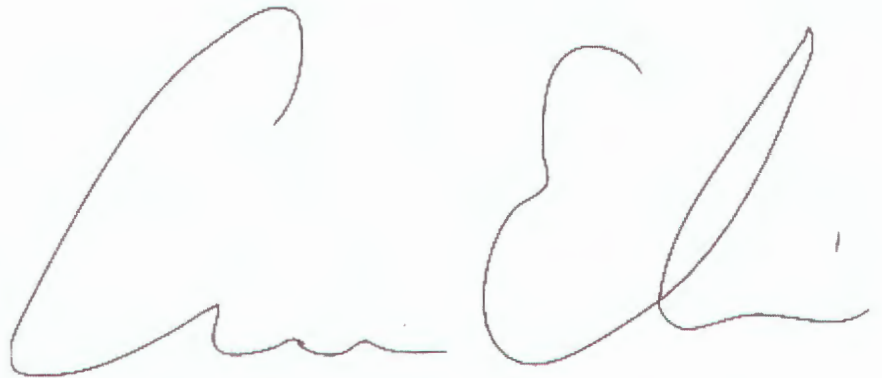
PRAYER FOR RELIEF

WHEREFORE, Plaintiff, demands a trial by jury and a Judgment in favor of the Plaintiff as follows:

Pertaining to COUNT I

- (1) Sanctioning and Removal of Martin Kearney from the Eastern District Bench until they have taken and passed CONSTITUTIONAL LAW II (ADVANCED) from Penn State Law where they will be properly instructed on the application of civil rights / unequal treatment laws.
- (2) A Public Letter of Apology from Defendant Kearney to Plaintiff Elansari for the damages brought about due to their own ignorance and lack of understanding of proper law.
- (3) Writ of Mandamus / Injunctive Relief allowing for the Plaintiff's original case against the video game company developed, Jagex, and parent company , Shanghai Fukong Interactive, to proceed as it normally would in an ordinary court adherent to the rule of law.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Amro Elansari', written in a cursive, flowing style.

February 18, 2020

Amro Elansari
Liberty And Justice For All

**IN THE UNITED STATES COURT
EASTERN DISTRICT OF PENNSYLVANIA**

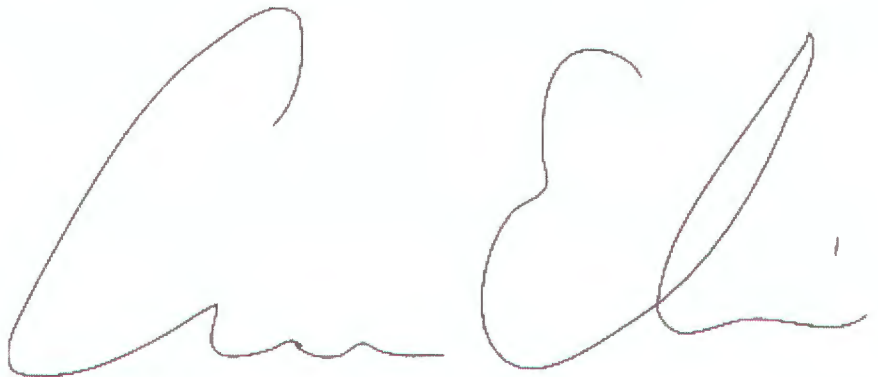
AMRO ELANSARI	:	
PLAINTIFF	:	
VS.	:	
MARTIN J. KEARNEY (INDV. CAP.)	:	
DEFENDANT	:	

CERTIFICATE OF SERVICE

I hereby certify that the accompanying Complaint At Law And In Equity has been served upon the following Defendants via first class certified mail on this 18th date of February, 2020:

Martin Kearney (Individual Capacity)
601 Market Street
Philadelphia, PA 19106

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Amro Elansari', written over a horizontal line.

February 18, 2020

Amro Elansari
Liberty And Justice For All

Exhibit A - Damage To Integrity of American Law Worldwide By Kearney

www.newsbreak.com › [Pennsylvania](#) › [Philadelphia](#) ▼

Muted in RuneScape? Don't look to court for help, Third Circuit ...

The **court** heard oral argument in November 2019 in *Department of Homeland Security v. Regents of the University of California*, a case that asks whether the ...

www.igamesnews.com › [reviews](#) › [state-court-sale-on-runescape-does...](#) ▼

State Court: Sale on RuneScape does not violate your civil ...

Jan 25, 2020 - The Third Circuit **Court** of Appeals dismissed Amro **Elansari's** claim in ... has sued Jagex, the manufacturer **RuneScape** after the last mutiny in ...

podcasts.apple.com › [podcast](#) › [too-broad-how-recent-holding-on-civ...](#) ▼

Virtual Legality: TOO BROAD: How A Recent Holding On Civil ...

When Amro **Elansari** was muted while playing the massively multiplayer online role-playing game (MMO) **Runescape**, he decided to sue **Runescape's** ...

player.fm › [series](#) › [virtual-legality](#) › [too-broad-how-a-recent-holding...](#) ▼

(and Runescape) Got Misreported (VL162) - Player FM

Jan 27, 2020 - When Amro **Elansari** was muted while playing the massively ... *jagex-federal-court-appeals-pennsylvania "Elansari v Jagex Inc."* (Appeal; Third ...

www.reddit.com › [Games](#) › [comments](#) › [your_civil_rights_werent_vi...](#) ▼

Your civil rights weren't violated when you were muted out of a ...

www.ab-gaming.com › [News](#) ▼

Turns Out Getting Muted on Runescape isn't a Violation of ...

Jan 27, 2020 - Amro **Elansari**, a serial litigator, alleged that Jagex muted him out of the blue ... The federal district **court** judge didn't deliberate too much before ...

www.nag.co.za › [2020/01/28](#) › [us-court-decides-that-being-muted-in-...](#) ▼

US court decides that being muted in a game is not a violation of

Jan 28, 2020 - A **Runescape** account mute prohibits a player from communicating with others, ... According to **Elansari's** original complaint, filed last July and citing his ... This **GTA V** cheater has to pay over \$150,000 in damages, and let this ...

reddtfm.com › [podcast](#) › [virtual-legality](#) › [too-broad-how-a-recent-holding...](#) ▼

[www.nag.co.za](#) › 2020/01/28 › us-court-decides-that-being-muted-in-... ▼

US court decides that being muted in a game is not a violation of

Jan 28, 2020 - A **Runescape** account mute prohibits a player from communicating with others, ... According to **Elansari's** original complaint, filed last July and citing his ... This **GTA V** cheater has to pay over \$150,000 in damages, and let this ...

[www.reddit.com](#) › lawfulmasses › comments › ciutvl › down_the_rab... ▼

Down the Rabbit Hole with Amro Elansari - Part 2 : lawfulmasses ...

Muted player Amro **Elansari** failed at a Federal lawsuit against **Runescape**. But this is just the ... Real Lawyer Reacts to Star Trek v. Space Force Logos - Is it ...

[podtail.com](#) › Podcasts › Virtual Legality ▼

TOO BROAD: How A Recent Holding On Civil Rights (and ... - Podtail

When Amro **Elansari** was muted while playing the massively multiplayer online role-playing game (MMO) **Runescape**, he decided to sue **Runescape's** ...

[www.youtube.com](#) › watch › v=-j_lbNEZ0do

The Short Life of the Ridiculous Runescape Lawsuit - Part 1 ...



Jul 27, 2019 - Uploaded by Lawful Masses with Leonard French

A **Runescape** player has filed a failed Federal lawsuit after being muted in game. But this is just the beginning ...

[politomix.com](#) › reason › runescape-muting-leads-to-first-amendment... ▼

Runescape "Muting" Leads to First Amendment / Due Process ...

Jul 17, 2019 - From **Elansari v. Jagex Inc.**, 2019 WL 3202195 (E.D. Pa. July 15), handed down by Judge Mark A. Kearney a mere 5 days after the Complaint ...

[brian.carnell.com](#) › articles › player-fails-in-attempt-to-sue-game-com... ▼

Player Fails In Attempt to Sue Game Company for Muting Him ...

Jun 20, 2019 - From **Elansari v Jagex Inc.**, District Court, ED Pennsylvania 2019: July 15 ... Amro **Elansari** sues a video gaming company located in the United ...

[secure.runescape.com](#) › forums ▼

Runescape in the (Gaming) News - General - RuneScape Forum

Jan 25, 2020 - <https://www.youtube.com/watch?v=kl0oyQCyOAY> ... To me, it sounds that you side with Pennsylvanian Amro **Elansari** and feel saddened that ...

mimos.com › news › lawsuit-filed-against-jagex-for-muting-a-player-i... ▼

Lawsuit Filed Against Jagex For Muting A Player Is Dismissed ...

Jul 19, 2019 - A **RuneScape** player recently filed a lawsuit against UK development ... In his lawsuit filed in a Pennsylvania Court, **Elansari** claimed that the ...

www.ab-gaming.com › News ▼

Turns Out Getting Muted on Runescape isn't a Violation of ...

Jan 27, 2020 - **Runescape** has experienced something of a renaissance this year ... Amro **Elansari**, a serial litigator, alleged that Jagex muted him out of the ...

◀ . . . ▶

www.techdirt.com › articles › court-tosses-lawsuit-claiming-muting-ru... ▼

Court Tosses Lawsuit Claiming Muting A Runescape Character ...

Jul 24, 2019 - Amro **Elansari** -- in a handwritten complaint [PDF] -- contends Jagex Inc., the company behind **Runescape**, violated loads of rights and other ...

www.vice.com › en_us › article › gamer-files-lawsuit-claiming-mutin... ▼

Gamer Files Lawsuit Claiming Muting Violated His Human ...

Jan 24, 2020 - A '**Runescape**' player has lost the final court battle in his struggle to get unmuted.

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twitter.com › amroelansari ▼

Amro Elansari (@AmroElansari) | Twitter

The latest Tweets from Amro **Elansari** (@AmroElansari). Suspended From Penn State Law For Legalizing Pot - Reggae Album 'Lion Riddims' Out Now ...

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brian.camell.com › wp-content › uploads › 2019/08 › elansari-v-jagex ▼

ELANSARI v. JAGEX INC., Dist. Court, ED Pennsylvania 2019 ...

Amro **Elansari** sues a video gaming company located in the United Kingdom for allegedly "muting" him from playing his game. He pro se alleges the video ...

mimos.com › news › lawsuit-filed-against-jagex-for-muting-a-player-i... ▼

◀ . . . ▶

[www.polygon.com › runescape-sued-civil-rights-violation-muted-jage...](#) ▼

Federal court: Getting muted in RuneScape doesn't violate ...

Jan 25, 2020 - **Elansari**, a serial litigator who has filed 15 lawsuits in federal district court in the past five years, sued Jagex, the maker of **RuneScape** after ...

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[reason.com › 2019/07/17 › runescape-muting-leads-to-first-amendme...](#) ▼

Runescape "Muting" Leads to First Amendment / Due Process ...

Jul 17, 2019 - From **Elansari v. Jagex Inc.**, 2019 WL 3202195 (E.D. Pa. July 15), handed down by Judge Mark A. Kearney a mere 5 days after the Complaint ...

Videos



The Short Life of the
Ridiculous Runescape
Lawsuit - Part 1

Lawful Masses with



TOO BROAD: How a
Recent Holding On Civil
Rights (and ...

Hoeg Law